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JASON A REYES
HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/312,740	BEAVEN, DOUGLAS F.	
	Examiner Michael Heck	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 5/14/1999.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-125 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-125 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6) <input type="checkbox"/> Other: _____ .

Art Unit: 3623

DETAILED ACTION

1. The following is a First Office Action in response to the application filed May 14, 1999. Claims 1-125 are pending in this application and have been examined on the merits as discussed below.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the mailing or post office address of the inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Drawings

3. The drawings filed on 14 May 1999 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is

Art Unit: 3623

required in reply to the Office action. The correction will not be held in abeyance.

4. The drawings are objected to because Figure 17 and 19 are the same. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

a. Page 9, line 11 states "the scalable, the model". It should be --the scalable process, the model--.

b. Page 12, line 15 states, "has three modules". Four module titles are listed.

c. Page 14, line 17 states "substantive issues more time effectively". The examiner respectfully recommends --substantive issues for more effective time utilization--.

d. Page 17, line 4 states "to be made to different in the marketplace". After further review, it is not clear what specifically the applicant was referring to (i.e. strategies, goals, opportunities, gaps, products).

Art Unit: 3623

e. Page 18, line 5 unnecessarily introduces a blank line.

Remove the blank line to maintain continuity.

f. Page 26, line 10 states, "design relationships".

Referenced figure 12 indicates, "deepen relationship". For continuity purposes the examiner respectfully suggest both the specification and figure match terminology used for explaining the applicant's invention.

g. Page 26, line 20 indicates figure 13 displays summary information. One of the two contributing goal examples is displayed while the second goal is not. The goal displayed is "identify clients with the greatest \$ opportunity" while the goal being used in the example for the system is "Deepen relationships with high net worth clients". The other goal, "Have profitable products for every segment" is consistent throughout the example. For continuity purposes the examiner respectfully suggest both the specification and figure match terminology used for explaining the applicant's invention.

h. Page 27, lines 9-18 indicate a relationship between figure 15, 16, and 17. The two example goals are indicated for each figure, but the "due" information is different. For example, on figure 15 the goal "Deepen relationships with the high net worth clients" show a "due" of "5w" while

Art Unit: 3623

figure 16 and 17 shows a "due" of "6w". For continuity purposes the examiner respectfully suggest both the specification and figure match terminology used for explaining the applicant's invention.

6. Numerous issues exists such as those indicated above as well as others such as:

- on page 31 where figure 37 is described as showing strengths and weaknesses from a questionnaire and on page 37, figure 37 is described as a "project Briefing screen",
- when defining the information fields for figure 13 on pages 33-36, Project Code, Rank, and Score are not displayed on the Figure, and
- on page 40 where reference is made to figure 42 and there is no figure 42 in the drawing package.

It should be noted that the above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Objections

7. Claims 11, 12, 13, 14, 26, 27, 28, and 43 are objected to because of the following informalities:

Art Unit: 3623

- Claims 11, 12, 13, and 14 claims dependency to claim 9. Claim 9 describes a service to be provided to a customer and depends on claim 6 that is a customer component. Claims 11, 12, 13, and 14 are processes. Claim 10 refers to a processes component. The examiner respectfully suggests the dependency of Claims 11, 12, 13, and 14 should be directed toward Claim 10. For purposes of examination, Claim 11, 12, 13, and 14 will be considered dependent on Claim 10.
- Claim 26 and 27 are exactly the same.
- Claim 28 claims dependency to claim 24. Claim 24 includes attributes as part of the management concepts. Claim 28 refers to management concepts that are organized hierarchically. Claim 1 refers to management concepts. The examiner respectfully suggests the dependency of Claim 28 should be directed to Claim 1. For purposes of examination, Claim 28 will be considered dependent on Claim 1.
- Claim 43 claims dependency to Claim 39. Claim 39 refers to the customer component of the fundamental components. Claim 43 refers to the process component of the fundamental components. Claim 38 refers to the

Art Unit: 3623

fundamental components. The examiner respectfully suggests the dependency of Claim 43 should be directed to Claim 38. For the purposes of examination, Claim 43 will be considered dependent on Claim 38.

8. Claim 95 states, "a model of the scalable, the model". It should say --a model of the scalable process, the model--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 2-23, 39-62, 64-94, and 96-125 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are made to point out nonfunctional descriptive material being claimed that does not alter how the method steps are to be performed to achieve the utility of the invention.

Clarification is required to show functionality.

11. Claims 2-19 recite a "method of" processing management information wherein the fundamental components include an

Art Unit: 3623

enterprise component that describes an operating environment consisting of market trends, a competitor, and available technology; a customer component that includes customer information about a product, relationship to be maintained, and service; a process component that describes processes to be executed to include a manufacturing process, sales process, customer service process, and development process; a capabilities component that describes capabilities of a facility, person who is a member, and supplier; and an economic component that includes economic information. Claims 20-23 recite a "method of" wherein the management concepts include an idea for improving and a description of the idea, a management initiative and a description of the management initiative, a management objective and a description of the management objective, and a project with a description of the project. The descriptive material of claim 2-23 is merely a compilation or mere arrangement of data that makes it nonfunctional. Therefore, the descriptive material will not distinguish the invention from the prior art in terms of patentability.

12. As to claims 39-62, 64-94, and 96-125, they recite "method of" processing management information for a customer relationship, managing a program management office, and managing a scalable process wherein the fundamental components include a

customer component, process component, capabilities component, and an economic component.

13. The customer component includes customer information that describes a customer segment, product, and service, and information that describes an internal customer, external customer, product, and service.

14. The process component includes process information that describes a process to be executed to advance the customer relationship, to help meet a commitment, and to deliver a consistent quality. The process component also identifies a customer need, identifies an entity that is important, identifies a possible solution for a customer, identifies a benefit to a customer, strives to achieve sole source status with a customer, strives to achieve a customer confidant status with a customer, and strives to outperform a competitor. The process component also describes a prioritization process, system delivery process, an evaluation process, project management process, an accountability process, staffing process, training process, and a decision making process. Additionally, the process component includes a process for performing a cost/benefit analysis and a process that includes providing metrics, reporting, and risk management. Further, the process components include process information that describes a process

Art Unit: 3623

to identify a customer need and an economic factor, plus information to develop a scenario, evaluate a competitor, identify a trend, pilot test an option, manage an expectation, assess a system need, assess an organizational need, assess a management practice, suggest an improvement, develop a change management process, sell a customer on a change, develop an action plan, and maintain a relationship.

15. The capabilities component includes capabilities information that is needed for meeting a client requirement. Additional information includes geographic coverage, technical skill, providing a helpful partner, a relationship management skill, and a technology that is important to a customer. Also included is information that describes business unit coverage, a project management skill, and a customer management skill.

16. The economic component includes economic information that describes an economic potential, expenses, revenue, a profit and loss aspect, and an investment aspect.

17. The descriptive material of claims 39-62, 64-94, and 96-125 is merely a compilation or mere arrangement of data that makes it nonfunctional. Therefore, the descriptive material will not distinguish the invention from the prior art in terms of patentability.

Art Unit: 3623

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1, 24, 28, 29, 31, 34, 35-37, 38, 63, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery (Managing Projects with Microsoft Project 4.0: For Windows and Macintosh, version 4.0, Van Nostrand Reinhold, 1994). Lowery discloses a method, system, and program for managing projects consisting of:

-[Claim 1, 38, 63, and 95] - acquiring a first set of computer data, associating the first set of computer data with a second set of computer data (page 5-13, Lowery teaches a task list and a resource list with arrows showing how subjects relate from one list to the other), issuing a report based on the second set of computer data sorted by the first set of computer data (page 198, Lowery teaches a report that lists tasks and assigned resources).

-[Claim 24] - attributes described in the second set of computer data, and the report is sorted by attribute (page 16-17, Lowery teaches filters that can be created for the task or resource list that includes requirements to be met for the item to be displayed or highlighted).

-[Claim 28] - organized hierarchically and the second set of computer data includes a description of the hierarchy (page 78-81 and 304, Lowery teaches how summary tasks

Art Unit: 3623

summarizes all subtasks indented below them or subprojects under projects).

-[Claim 29] - achievement of a first is dependent on achievement of a second, and the second set of computer data describes a hierarchical relationship between the first and the second (page 6 and page 78-81, Lowery teaches the sequence in which the tasks must occur and their dependencies on other tasks)

-[Claim 31] - associating an electronic mail forum and providing a pointer to the electronic mail forum in the second set of computer data (page 86, Lowery teaches you can send a project via electronic mail using Microsoft Mail which is located in the File menu).

-[Claim 34] - in the report, indicating that a first is not related to a second, accepting a description of a relationship between the first and second, and changing the second set of computer data to reflect the relationship between the first and the second (page 104, 196-201 and 216, Lowery teaches various report formats, one shows a list of resources, the tasks to which each is assigned. Also, a report format is shown that identifies the hierarchy in the report with a task name and where that task is linked. Additionally, Lowery teaches removing relationships between tasks).

-[Claim 35] - a hierarchical relationship in which achievement of the first is dependent on achievement of the second (page 6 and 78-85, Lowery teaches a hierarchical relationship to tasks and how they relate to the next level task).

20. Claim 36 describes the data processing system as a computer; a storage device for storing data on a storage medium; a first logic circuit configured to acquire a first set of computer data; a second logic circuit configured to associate the first set of computer data with a second set of computer data; and a third logic circuit configured to issue a report of

the second set of computer data sorted by the first set of computer data. It is respectfully submitted that the method must employ computers to process management information. Therefore, it is respectfully submitted that the computer hardware must be configured to perform the invention and is inherently incorporated in the invention disclosed in Lowery. For example, the computer system must have a CPU and storage capabilities to run the program and manage the data. The CPU would contain the logic circuits necessary to execute the invention. Hence, Claim 36 is rejected as containing the necessary computer hardware to execute the invention.

21. Claim 37 recites the same limitations as that of claims 1, 38, 63, and 95 with the exception the method is now "Computer software, residing on a computer readable medium... comprising instructions for causing the computer to" perform the invention. It is respectfully submitted that the method must employ computers to process management information. Therefore, it is respectfully submitted that the computer software, residing on a computer readable medium, having instructions to cause the computer to work is inherently incorporated in the invention disclosed in Lowery. Hence the same rejections as stated above for claims 1, 38, 63, and 95 apply to claim 37.

Art Unit: 3623

22. Lowery does not expressly show the method of use in processing management information where the computer data represents a portfolio of management concepts and a model with fundamental components of an organization of people, a customer relationship, a program management office, and a scalable process.

23. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

24. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to process management information where the computer data represented a model with fundamental components of an organization of people, a customer relationship, a program management office, and a scalable process, and represented a portfolio of management concepts because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Art Unit: 3623

25. Claims 25, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over ManagePro 2.0 Reference Manual (ManagePro 2.0 for Windows, version 2.0, Reference Manual, Avantos Performance Systems, Incorporated, 1993) in view of Lowery (Managing Projects with Microsoft Project 4.0: For Windows and Macintosh, version 4.0, Van Nostrand Reinhold, 1994). Lowery discloses a method, system, and program for managing projects, but fails to teach how to status information and to simultaneously edit information. ManagePro 2.0 Reference Manual discloses:

-[Claim 25] - a status attribute described in the second set of computer data (page 2-7, ManagePro 2.0 Reference Manual teaches the status of a goal affects the color of lights that appear in the Goal Status Board and People Status Board window).

-[Claim 33] - providing multiple members of an organization of people with substantially simultaneous editing access; receiving from one of the multiple members having editing access a request for a change; and substantially instantaneously implementing the requested change by executing a procedure that includes altering at least one of the first and second sets of computer data (page viii and pages 9-5 to 9-9, ManagePro 2.0 Reference Manual teaches multiple people or team members can simultaneously make changes to the database. Full access allows the information to be modified and goals to be added, deleted and moved).

26. ManagePro 2.0 Reference Manual does not expressly show the model of the organization of people, the model having fundamental components, and a portfolio of management concepts.

Art Unit: 3623

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

27. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement ManagePro 2.0 Reference Manual's status ability and simultaneous edit capability in Lowery's method, system, and program for managing projects. Lowery states the workgroup features include the ability to electronically route the project and request task status by electronic mail (page 9). Implementing ManagePro 2.0 Reference Manual's status ability and simultaneous edit capability would allow the workgroup to concurrently update the information and indicate status by actually updating the system rather than sending an electronic mail on the changes and status. The status ability and simultaneous edit capability would reduce time and enhance the organizational communication.

28. Claims 26, 27, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abulleil et al. (U.S. Pat Appl

Art Unit: 3623

Pub 2001/0027455). Lowery discloses a method, system, and program for managing projects, but fails to teach how to indicate relative importance, use of the other knowledge sources, and communicate via the World Wide Web. Abulleil et al. disclose a strategic planning system and method comprising:

-[Claim 26 and 27] - a relative importance attribute described in the second set of computer data (Page 2, para 31, Abulleil et al. teaches how the most important forces affecting the organization are determined and how strategic actions are identified and prioritized to implement the initiatives that address the challenges).

-[Claim 30] - associating a knowledge source with at least one, and providing a pointer to the knowledge source in the second set of computer data (page 2 para 29 and page 3, para 32-35, Abulleil et al. teaches the hierarchy engine implements the functions required to perform AHP decision making and is in communication with a network interface such as the internet. The hierarchy engine is in communication with the wisdom database and the enterprise database. A select statement is used to retrieve the relevant information.)

-[Claim 32] - formatting the report in accordance with World Wide Web protocols (page 2, para 13, Abulleil et al. teaches the plan can be outputted in web page format); and accepting information via a computer network based on World Wide Web protocols from a member of the organization of people (page 3, para 32-33, Abulleil et al. teaches the hierarchy engine is in communication with the network interface (i.e. the internet) which gains information via the wisdom module from the wisdom database. The wisdom database obtained information during previous usage of the system by the organization.)

29. Abulleil et al. does not expressly show management concepts. However, these differences are only found in the nonfunctional descriptive material and are not functionally

Art Unit: 3623

involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

30. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement Abulleil et al.'s strategic planning system that indicates relative importance, use of the other knowledge sources, and communicates via the World Wide Web. Lowery indicates the Critical Path Method option can be employed and information can be shared via Microsoft Excel, Word, or Lotus 1-2-3 (pages 7-9). Abulleil et al. indicate having a seamless interaction between the planning and predicting functions in a strategic planning system is an advantage (page 2, para 13). The ability to indicate relative importance or establish priority, link to other knowledge sources, and use the World Wide Web to communicate allows for organizational flexibility while maintaining a focused approach to project completion via an enhanced communication system.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Harhen (U.S. Pat No. 5,406,477) discloses decision support tools for the management of an enterprise through strategic planning. Objects are classified hierarchically to include plans or goals where the relationships and dependencies are maintained in a modeling environment.
- Diamant et al. (U.S. Pat No. 5,530,861) discloses a task management process where tasks and subtasks are maintained in a hierarchical relationship allowing for priorities to be set and progress tracked. The invention also has a report generator and a message interface capability.
- Heindel et al. (U.S. Pat No. 5,655,118) disclose a method for managing information on activities of an enterprise. ACCESS software is utilized to view, access, retrieve and manipulate activity information.
- Byers (Strategic Management: Planning and Implementation, Concepts and Cases, second edition, 1987) discloses the

strategic management process to include establishing long and short range objectives. Factors that play in the process include economic, technological, political and regulatory, and social forces. Strategic process controls are discussed to include evaluating performance and feedback and the role management information systems play in the process.

- Kaplan et al. (The Balanced Scorecard—Measures that Drive Performance, Harvard Business Review, Jan/Feb 1992) disclose four perspectives in evaluating the company. Customer, internal, innovation and learning, and financial perspectives allow for quality, product, service, cost, employee skills, productivity, critical technologies, revenue, margins, and profitability to name a few to be evaluated.
- Kaplan et al. (Using the Balanced Scorecard as a Strategic Management System, Harvard Business Review, Jan/Feb 1996) disclose business planning with feedback and learning. A new strategic management system would communicate the strategy throughout the company, align units and individual goals, and allow companies to conduct periodic performance reviews.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks, Washington D.C. 20231

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular and After Final communications.

The fax phone number for Informal/Draft communication, labeled "PROPOSED" or "DRAFT" is (703) 746-9419.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch
December 20, 2002

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600